



Reprinted
March 20, 2009

ENGROSSED HOUSE BILL No. 1064

DIGEST OF HB 1064 (Updated March 19, 2009 2:41 pm - DI 96)

Citations Affected: IC 9-13; IC 9-20.

Synopsis: Heavy duty vehicle weight limits and permits for heavy loads. Provides that the maximum weight limitation for a heavy duty vehicle that is equipped with an auxiliary power unit for climate control or electrical purposes is increased by 400 pounds. Provides that the total gross weight with load of a vehicle or combination of vehicles transporting an ocean going container may not exceed 95,000 pounds. (The current weight limit may not exceed 90,000 pounds.) Deletes the requirement that the ocean going container must have originated outside the United States. Deletes a cross-reference to a repealed section.

Effective: July 1, 2009.

Avery, Duncan

(SENATE SPONSOR — BUCK, HUME)

January 8, 2009, read first time and referred to Committee on Roads and Transportation.
January 16, 2009, reported — Do Pass.
January 26, 2009, read second time, ordered engrossed. Engrossed.
January 27, 2009, read third time, passed. Yeas 97, nays 0.

SENATE ACTION

February 19, 2009, read first time and referred to Committee on Homeland Security, Transportation and Veterans Affairs.
March 17, 2009, reported favorably — Do Pass.
March 19, 2009, read second time, amended, ordered engrossed.

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EH 1064—LS 6628/DI 103+



First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1064

A BILL FOR AN ACT to amend the Indiana Code concerning
motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-13-2-10.2 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2009]: **Sec. 10.2. "Auxiliary power unit", for purposes of**
4 **IC 9-20-4-1(b), means an integrated system that:**
5 (1) provides heat, air conditioning, engine warming, or
6 electricity to components on a heavy duty vehicle; and
7 (2) is certified by the administrator of the United States
8 Environmental Protection Agency under 40 CFR 89 as
9 meeting applicable emission standards.
10 SECTION 2. IC 9-13-2-72.5 IS ADDED TO THE INDIANA CODE
11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
12 1, 2009]: **Sec. 72.5. "Heavy duty vehicle", for purposes of**
13 **IC 9-20-4-1(b), means a vehicle that:**
14 (1) has a gross vehicle weight rating greater than eight
15 thousand five hundred (8,500) pounds; and
16 (2) is powered by a diesel engine.
17 SECTION 3. IC 9-20-4-1 IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2009]: Sec. 1. (a) Except as provided in subsections (b) and (c), a person may not operate or cause to be operated upon an Indiana highway a vehicle or combination of vehicles having weight in excess of one (1) or more of the following limitations:

(1) The total gross weight, with load, in pounds of any vehicle or combination of vehicles may not exceed an overall gross weight on a group of two (2) or more consecutive axles produced by application of the following formula:

$$W = 500 \{ [(LN) \div (N-1)] + 12N + 36 \}$$

where W equals the overall gross weight on any group of two (2) or more consecutive axles to the nearest five hundred (500) pounds, L equals the distance in feet between the extreme of any group of two (2) or more consecutive axles, and N equals the number of axles in the group under consideration, except that two (2) consecutive sets of tandem axles may carry a gross load of thirty-four thousand (34,000) pounds each, providing the overall distance between the first and last axles of the consecutive sets of tandem axles is thirty-six (36) feet or more. The overall gross weight limit, calculated under this subdivision, may not exceed eighty thousand (80,000) pounds.

(2) The weight concentrated on the roadway surface from any tandem axle group may not exceed the following:

(A) Thirty-four thousand (34,000) pounds total weight.

(B) Twenty thousand (20,000) pounds on an individual axle in a tandem group.

(3) A vehicle may not have a maximum wheel weight, unladen or with load, in excess of eight hundred (800) pounds per inch width of tire, measured between the flanges of the rim or an axle weight in excess of twenty thousand (20,000) pounds.

(b) The enforcement of weight limits under this section is subject to the following:

(1) It is lawful to operate within the scope of a permit, under weight limitations established by the Indiana department of transportation and in effect on July 1, 1956, as provided in IC 9-20-6.

(2) It is lawful to operate or cause to be operated a vehicle or combination of vehicles on a heavy duty highway or an extra heavy duty highway designated by the Indiana department of transportation if operated within the imposed limitations.

(3) Whenever any of the weight limitations provided in subsection (a) are utilized on any interstate highway in Indiana, the reference to weight tolerance in IC 9-20-18-2 does not apply.

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~~(4)~~ (3) Subsection (a) does not apply to any highway, road, street, or bridge for which a lesser weight limit is imposed by local authorities under IC 9-20-1-4 or IC 9-20-7-2. However, the local authority may by appropriate action establish and designate a county or city highway, road, or street or part of a highway, road, or street as a heavy duty highway subject to the weight limitations established under IC 9-20-5.

~~(5)~~ (4) Vehicles operated on toll road facilities are subject to rules of weight adopted for toll road facilities by the Indiana department of transportation under IC 8-15-2 and are not subject to subsection (a) when operated on a toll road facility.

(5) For purposes of a heavy duty vehicle that is equipped with an auxiliary power unit, the weight limitations provided in subsection (a) are increased by four hundred (400) pounds.

(c) The greater of the weight limits imposed under subsection (a) or this subsection applies to vehicles operated upon an Indiana highway. The weight limits in effect on January 4, 1975, for any highway that is not designated as a heavy duty highway under IC 9-20-5 are the following:

(1) The total gross weight, with load, in pounds of a vehicle or combination of vehicles may not exceed seventy-three thousand two hundred eighty (73,280) pounds.

(2) The total weight concentrated on the roadway surface from a tandem axle group may not exceed sixteen thousand (16,000) pounds for each axle of a tandem assembly.

(3) A vehicle may not have a maximum wheel weight, unladen or with load, in excess of eight hundred (800) pounds per inch width of tire, measured between the flanges of the rim, or an axle weight greater than eighteen thousand (18,000) pounds.

SECTION 4. IC 9-20-6-2, AS AMENDED BY P.L.3-2008, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) The Indiana department of transportation or local authority that:

(1) has jurisdiction over a highway or street; and

(2) is responsible for the repair and maintenance of the highway or street;

may, upon proper application in writing and upon good cause shown, grant a permit for transporting heavy vehicles and loads or other objects not conforming to this article, including a vehicle transporting an ocean going container, if the department or authority finds that other traffic will not be seriously affected and the highway or bridge will not be seriously damaged.

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(b) The permit granted under subsection (a) must authorize the operation of a tractor-semitrailer and load that:

- (1) exceeds the maximum length limitation under this chapter; and
- (2) is subject to regulation under this chapter; from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset.

(c) A permit may be issued under this section for the following:

- (1) A single trip.
- (2) A definite time not exceeding thirty (30) days.
- (3) A ninety (90) day period.
- (4) A one (1) year period.

(d) This subsection applies to the transportation of ocean going containers that:

- (1) have been sealed at the place of origin and have not been opened except by an agent of the federal government that may inspect the contents; **and**
- (2) ~~originated outside the United States; and~~ **and** ~~(3)~~ are being transported to or from a distribution facility.

The total gross weight, with load of a vehicle or combination of vehicles transporting an ocean going container may not exceed ~~ninety~~ **ninety-five** thousand ~~(90,000)~~ **(95,000)** pounds. A permit issued under this section must be issued on an annual basis. A permit issued under this subsection may not impose a limit on the number of movements generated by the applicant or operator of a vehicle granted a permit under this subsection.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Roads and Transportation, to which was referred House Bill 1064, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

AUSTIN, Chair

Committee Vote: yeas 12, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Homeland Security, Transportation and Veterans Affairs, to which was referred House Bill No. 1064, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to House Bill 1064 as printed January 16, 2009.)

WYSS, Chairperson

Committee Vote: Yeas 8, Nays 0.

SENATE MOTION

Madam President: I move that Engrossed House Bill 1064 be amended to read as follows:

Page 3, after line 29, begin a new paragraph and insert:

"SECTION 4. IC 9-20-6-2, AS AMENDED BY P.L.3-2008, SECTION 77, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) The Indiana department of transportation or local authority that:

- (1) has jurisdiction over a highway or street; and
- (2) is responsible for the repair and maintenance of the highway or street;

may, upon proper application in writing and upon good cause shown, grant a permit for transporting heavy vehicles and loads or other objects not conforming to this article, including a vehicle transporting an ocean going container, if the department or authority finds that other traffic will not be seriously affected and the highway or bridge will not

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be seriously damaged.

(b) The permit granted under subsection (a) must authorize the operation of a tractor-semitrailer and load that:

(1) exceeds the maximum length limitation under this chapter; and

(2) is subject to regulation under this chapter;

from one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset.

(c) A permit may be issued under this section for the following:

(1) A single trip.

(2) A definite time not exceeding thirty (30) days.

(3) A ninety (90) day period.

(4) A one (1) year period.

(d) This subsection applies to the transportation of ocean going containers that:

(1) have been sealed at the place of origin and have not been opened except by an agent of the federal government that may inspect the contents; **and**

(2) ~~originated outside the United States;~~ and

~~(3)~~ are being transported to or from a distribution facility.

The total gross weight, with load of a vehicle or combination of vehicles transporting an ocean going container may not exceed ~~ninety~~ **ninety-five** thousand ~~(90,000)~~ **(95,000)** pounds. A permit issued under this section must be issued on an annual basis. A permit issued under this subsection may not impose a limit on the number of movements generated by the applicant or operator of a vehicle granted a permit under this subsection."

(Reference is to EHB 1064 as printed March 18, 2009.)

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